

ENTERED

May 20, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JOSE LUIS MENDOZA-SOTO,

VS.

LORIE DAVIS

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CIVIL ACTION NO. M-17-305

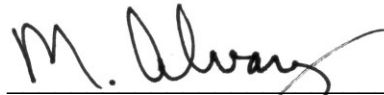
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Jose Luis Mendoza-Soto's civil rights action pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation. On May 5, 2020, the Magistrate Court issued the Report and Recommendation, recommending that this action be dismissed without prejudice based on Plaintiff's failure to prosecute. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's § 1983 civil rights action is hereby **DISMISSED** without prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 20th day of May, 2020.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in* *ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).